

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION


GERY LIVINGSTON-GROSS)
)
v.) NO. 3:09-0105
) JUDGE CAMPBELL
BANK OF AMERICA, et al.)

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 35) and Objections filed by the Plaintiff (Docket No. 41).

The Court has reviewed the Report and Recommendation, the Objections, and the file. The Objections of the Plaintiff are overruled, and the Report and Recommendation is adopted and approved. Accordingly, Defendants' Motion to Dismiss (Docket No. 12) is GRANTED, and this action is DISMISSED, based upon the applicable statutes of limitations, the *Rooker-Feldman* Doctrine, and no "state action" as required by 42 U.S.C. § 1983. The Clerk is directed to close the file.¹

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE

¹ Therefore, Plaintiff's Motion Not to Dismiss Case (Docket No. 18) is DENIED as moot.